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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,823	02/23/2004	David E. Leeman		5456

7590 06/07/2006
James C. Wray
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1493 Chain Bridge Road
McLean, VA 22101

EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/782,823	Applicant(s) LEEMAN, DAVID E.	
	Examiner David J. Parsley	Art Unit 3643	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 1.

Claim(s) rejected: 1-42.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

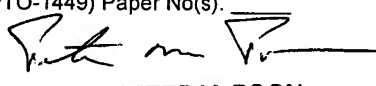
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


PETER M. POON
SUPERVISORY PATENT EXAMINER
6/2/06

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive in that the advisory action dated 5-25-06 stated the reasons why the proposed amendment dated 5-19-06 raises new issues that would require further search and/or consideration in that the proposed amendments added new limitations not previously examined that would require further consideration of the prior art references or a further search to determine if there is prior art that discloses these new claim limitations. These new limitations in the admendment dated 5-19-06 are as follows and were detailed in the advisory action dated 5-25-06, "...the extension has a top surface that is larger than a base of the extension which is connected to the device to be mounted, undercuts formgin a gap between the top surface of the extension and the base of the extension on the device to be mounted..." in claim 1 and "...extensions on edges of the side surfaces with a top, a gap and a base connected to the side edges and undercuts in the gap for locking a wire grid between the undercuts and the edges of the side surfaces..." in claim 10 and "...the extension has a top surface that is larger than a base of the extension..." and "...the undercuts and the gap are in a plane of the wire grid..." in claim 23 all raise new issues that would require further search and/or consideration. Further, the Abadie reference US 4638588 disclosesan extension - at 18,28, projecting from the device to be mounted - see for example figures 1-2, wherein the extension has a top surface - see for example figures 1-2, that is larger than a base - at 14, 16 or one of 24, connected to the device to be mounted - see for example figures 1-2, a gap between the top surface of the extension and the device to be mounted - see the apertures in item 18 in figure 2, wherein the extension is smaller in dimensions than openings in the wire grid - see at 28 in figures 1-2, wherein the extension - at 28, passes through the openings in the wire grid - at 20, until the gap is in the plane of the wire gird - see for example figures 1-2, wherein the extension and device to be mounted are rotated roughly 45 degrees - see the threaded portion of item 28 which is rotated to mate with the nuts as seen in figure 2, one or more undercuts - see at 28, the threads in item 28 and at item 18 in figures 1-2. .